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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91191671
Party	Defendant Sensio Inc.
Correspondence Address	JOSEPH R. FREUND COOK ALEX LTD. 200 W ADAMS ST STE 2850 CHICAGO, IL 60606-5206 docket@cookalex.com
Submission	Answer
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Date	10/05/2009
Attachments	answer.pdf (3 pages)(24260 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CONAIR CORPORATION,	X	
	:	Opposition No. 91191671
	:	
Opposer,	:	
	:	Mark: CULINART
v.	:	Application Serial No.: 77646713
	:	Filed: January 9, 2009
SENSIO INC.,	:	
	:	
Applicant.	:	
	X	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant Sensio Inc. by one of its attorneys hereby answers the allegations set forth in the Notice of Opposition as follows:

1. Applicant has insufficient knowledge or information as to the truth of the allegations in Paragraph 1 of the Notice of Opposition and therefore denies them.
2. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 2 of the Notice of Opposition and therefore denies them.
3. Admitted that one or more companies have used a mark CUISINART in connection with food processors prior to Applicant’s January 9, 2009 filing date. Applicant otherwise denies the allegations of Paragraph 3.
4. Admitted that Paragraph 4 includes a table containing trademarks, registration numbers, and further information and admitted that printouts are attached as Exhibit A. Applicant otherwise denies the allegations of Paragraph 4.
5. Admitted that trademark registrations are prima facie evidence of validity of a registered mark and registration of a mark and a registrant’s ownership of a mark in accordance with provisions of §§ 7(b) and 33(a) of the Lanham Act, 15 U.S.C. § 1057(b) and 1115(a). Further admitted that § 33(b) of the Lanham Act, 15 U.S.C. § 1115(b), provides that incontestable registrations are conclusive evidence of certain facts. Denied that all of the registrations identified by Opposer in Paragraph 4 are incontestable. Applicant otherwise denies the allegations of Paragraph 5 of the Notice of Opposition.
6. Applicant denies the allegations of Paragraph 6 of the Notice of Opposition.

7. Applicant has insufficient knowledge or information as to the truth of the allegations in Paragraph 7 of the Notice of Opposition and therefore denies them.
8. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 8 of the Notice of Opposition and therefore denies them.
9. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 9 of the Notice of Opposition and therefore denies them.
10. Admitted.
11. Admitted that on January 9, 2009, Applicant through its representatives filed Application Serial No. 77646713 to register the mark CULINART for “small electric kitchen appliances, namely, grills, griddles, waffle makers, buffet servers, toasters, blenders, coffee makers, slow cookers, stand mixers, food processors, and coffee frothers” in International Class 011. (Further answering, Applicant later amended this listing of goods.) Otherwise denied.
12. Admitted.
13. Admitted that no goods from Applicant bearing or packaged with the mark CULINART have entered the United States as of the date of the Notice of Opposition.
14. Applicant denies the allegations of Paragraph 14 of the Notice of Opposition.
15. Applicant denies the allegations of Paragraph 15 of the Notice of Opposition.
16. Applicant denies the allegations of Paragraph 16 of the Notice of Opposition.
17. Applicant denies the allegations of Paragraph 17 of the Notice of Opposition.
18. Applicant denies the allegations of Paragraph 18 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

Affirmative Defense 1:

No likelihood of confusion exists or would exist between the CUISINART mark in which Opposer claims rights and Applicant’s CULINART mark.

Affirmative Defense 2:

Several of Opposer’s purported registrations are not incontestable and are not inherently distinctive.

Affirmative Defense 3:

Opposer lacks standing to bring or maintain the claims asserted in this Opposition.

Affirmative Defense 4:

Opposer has not and will not suffer any damages as the result of Applicant's registration of its mark.

WHEREFORE, Applicant Sensio Inc. prays that the opposition should be dismissed and the application should proceed to registration.

Respectfully submitted,

Dated: October 5, 2009

/Edward D. Manzo
Edward D. Manzo
Counsel for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was served on Opposer by depositing copies with the United States Postal Service as first class mail on the date and to the address shown below:

Andres N. Madrid
Patent and Trademark Counsel
CONAIR CORPORATION
One Cummings Pt. Rd.
Stamford, CT 06902

Date: October 5, 2009

/Edward D. Manzo/
Edward D. Manzo